

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UTHAIWAN WONG-OPASI, Ph.D.,        )  
                                        )  
Plaintiff,                          )      No. 3:05-0494  
                                        )      JUDGE ECHOLS  
v.                                    )  
                                        )  
ITT EDUCATIONAL SERVICES, INC.,    )  
                                        )  
Defendant.

ORDER

Pending before the Court are Defendant's Motion To Dismiss For Failure to Comply With Order And For Failure to Prosecute (Docket Entry No. 24), and the December 22, 2006 Report and Recommendation ("R&R") of the Magistrate Judge recommending dismissal of this discrimination action brought by *pro se* Plaintiff Uthaiwan Wong-Opasi for failure to comply with Court Orders and failure to prosecute the action. (Docket Entry No. 26.) Plaintiff failed to respond to Defendant's Motion to Dismiss, and she has not filed any objections to the R&R.<sup>1</sup>

In reviewing an R&R to which no objection is made, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). Having carefully reviewed the entire record in this case, the Court finds that the R&R accurately

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<sup>1</sup>The Clerk sent a copy of the R&R to Plaintiff by regular and certified mail. (Docket Entry No. 26.) Although the certified mail was returned unclaimed (Docket Entry No. 27), the Court applies the rebuttable presumption that Plaintiff received the regular mail sent to her. See Rucker v. Potter, 2007 WL 205555 at \*2 (6<sup>th</sup> Cir. 2007).

summarizes the relevant facts of the case and aptly applies correct law. Accordingly,

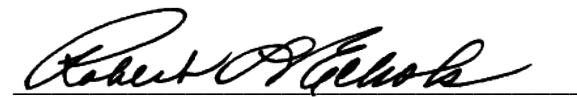
(1) the Court hereby ACCEPTS the Magistrate Judge's R&R (Docket Entry No. 26).

(2) Defendant's unopposed Motion To Dismiss For Failure to Comply With Order And For Failure To Prosecute (Docket Entry No. 24), is hereby GRANTED.

(3) This case is hereby DISMISSED WITH PREJUDICE under Federal Rules of Civil Procedure 37(b) and 41(b) for failure to comply with the Court's Orders and failure to prosecute the case.

(4) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



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ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE